



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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AUG 26 2016

REPLY TO THE ATTENTION OF:
E-19J

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, DC 20426

Re: FERC Draft Environmental Impact Statement (DEIS) NEXUS Gas Transmission Project and Texas Eastern Appalachian Lease Project (NGT/TEAL Projects) [FERC Docket Nos. CP16-22-000 and CP16-23-000, respectively; and, CP16-24-000 (DTE Gas Company) and CP 16-102-000 (Vector Pipeline L.P.)] (CEQ No. 20160159)

Dear Ms. Bose:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the United States Environmental Protection Agency (EPA) has completed its review of the Federal Energy Regulatory Commission's (FERC) draft environmental impact statement (DEIS) for the NGT/TEAL Projects, proposed by NEXUS Gas Transmission, LLC (NEXUS) and Texas Eastern Transmission, LP (Texas Eastern), (Project Proponents), respectively.

The Project Proponents request FERC authorization to construct and operate a new greenfield natural gas pipeline and related facilities, and expand an existing pipeline system from the Appalachian Basin to deliver 1.5 million dekatherm per day to markets in Northern Ohio, Southeastern Michigan, and Ontario Canada, as well as other markets in the Midwest including the Chicago Hub through interconnections with other pipelines. DTE Gas Company and Vector Pipeline LP are requesting approval to lease capacity on their systems to NEXUS.

EPA has rated the DEIS EC-2 Environmental Concerns, Insufficient Information. The EC-2 rating indicates that we have concerns that the document does not contain enough information to fully assess the environmental impacts that should be avoided in order to fully protect human health and the environment. See the enclosed Summary of Rating Definitions for a detailed explanation of EPA's ratings.

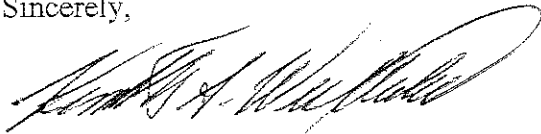
EPA concerns are primarily due to insufficient information documenting avoidance, minimization and mitigation of impacts: 1) to wetlands and streams, 2) to upland forest, interior (core) forest and associated species, 3) to contaminated sites, 4) from noise, 5) regarding emergency response plans, 6) from greenhouse gases and methane leakage. The DEIS does not include: 1) wetland/stream mitigation plans, 2) upland interior (core) forest mitigation plans, 3)

a Migratory Bird Conservation Plan, nor 4) NEXUS' and Texas Eastern's emergency response plans. Enclosed are our detailed comments, which include recommendations for additional information to include in the Final EIS.

When FERC submits the Final EIS to EPA headquarters, also send EPA Region 5 one (1) paper copy and three (3) sets of CDs of the Final EIS.

If you or your staff have any questions or concerns, I can be reached at 312-886-2910, or contact Virginia Laszewski of my staff at laszewski.virginia@epa.gov or 312-886-7501.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosures: Summary of Rating Definitions
EPA Detailed Comments

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**U. S. EPA Comments on the Draft Environmental Impact Statement
NEXUS Gas Transmission Project and Texas Eastern Appalachian Lease Project
(NGT/TEAL Projects) [FERC Docket Nos. CP16-22-000 and CP16-23-000, respectively;
and CP16-24-000 (DTE Gas Company) and CP 16-102-000 (Vector Pipeline L.P.)]
(CEQ No. 20160159)**

The following comments follow the numbered topic order as presented in the Draft Environmental Impact Statement (DEIS).

EXECUTIVE SUMMARY

PROPOSED ACTION (pages ES-1 and ES-2): *"The NGT and TEAL Projects include about 260.6 miles of pipeline composed of the following facilities:*

- *NEXUS' mainline, which consists of about 255.7 miles of new 36-inch-diameter mainline pipeline in Ohio and Michigan;*
- *NEXUS' interconnecting pipeline, which consists of about 0.9 mile of new 36-inch diameter interconnecting pipeline in Ohio;*
- *Texas Eastern's pipeline loop, which comprises about 4.4 miles of new 36-inch-diameter loop pipeline in Ohio; and*
- *Texas Eastern's connecting pipeline, which comprises about 0.3 mile of new 30-inch diameter interconnecting pipeline in Ohio.*

The Projects' aboveground facilities include:

- *NEXUS' 4 new compressor stations, 6 new metering and regulating (M&R) stations, and 17 new mainline valves;*
- *Texas Eastern's new compressor station, modifications of an existing compressor station, two new pig launchers/receivers, and temporary pig launcher/receiver; and*
- *additional new facilities and modifications, such as pig launchers/receivers, communication towers, and regulators, installed at other aboveground facility sites.*

The Projects would provide for the transportation of 1.5 million dekatherms per day of natural gas from the Appalachian Basin to consuming markets in Northern Ohio and Southeastern Michigan as well as the Dawn Hub in Ontario, Canada. Supply also would be able to reach the Chicago Hub in northern Illinois and other Midwestern markets through interconnections with other pipelines."

1.1 PROJECT PURPOSE AND NEED

The DEIS (page 1-3) states *"While this EIS will briefly discuss NEXUS' and Texas Eastern's*

stated purposes, it will not determine whether the need for the Projects exists, as this will be determined separately by the Commission.”

Recommendation: EPA recommends this section of Final EIS better identify when the Commission makes a need determination for the Proposed Projects in relation to FERC’s release of the Final EIS.

1.2 PURPOSE AND SCOPE OF THE EIS

1.2.2 U.S. Environmental Protection Agency Purpose and Role

DEIS (page 1-6) states, in part *“The EPA has authority to review and veto the decisions on Section 404 permits.”* This section of the DEIS does not explain what a “404 permit” is nor identify the federal agency responsible for issuing “404 permits.”

Recommendation: EPA recommends the Final EIS section 1.2.2 identify that the U.S. Army Corps of Engineers (Corps) as the federal agency responsible for issuing Clean Water Act (CWA) Section 404 permits for discharges of dredge and/or fill materials in Waters of the U.S. in Ohio, and Michigan Department of Environmental Quality (MDEQ) issues CWA Section 404 permits in Michigan. EPA has authority to review and veto the Corps’ CWA Section 404 permits and object to MDEQ’s decisions on CWA Section 404 permits.

1.5 PERMITS, APPROVALS, AND REGULATORY REQUIREMENTS

Table 1.5-1 Major Environmental Permits, Licenses, Approvals, and Consultations for the NGT and TEAL Projects (DEIS, pages 1-14 and 1-15): According to the information in the DEIS the proposed locations for the NGT/TEAL Projects are Michigan and Ohio. Michigan and Ohio are within EPA Region 5, not Region 3 as currently shown on Table 1.5-1.

Recommendation: EPA recommends Table 1.5-1 be corrected to show that EPA Region 5 (not EPA Region 3) has *“Oversight of federal and state delegated permits”* for the proposed NGT/TEAL Projects located in Ohio and Michigan.

2.0 DESCRIPTION OF PROPOSED ACTION

2.1.1 NGT Project

Figure 2.1.1-1 NEXUS Gas Transmission Project – Overview Map (DEIS, page 2-2): This figure does not identify nor depict the existing pipeline and pipeline facility that NGT would connect to in order to deliver NGT natural gas to Ontario, Canada.

Recommendation: We recommend Figure 2.1.1-1 (NEXUS Gas Transmission Project - Overview Map) identify/depict the existing pipeline, pipeline route and its associated facility in Michigan that would receive and deliver NGT natural gas to the Dawn Hub in Ontario, Canada. Update the figure’s color coded legend accordingly.

2.1.2 TEAL Project

2.1.2.1 Pipeline Facilities

Figures 2.1.1-2 Texas Eastern Appalachian Lease Project – Overview Map (DEIS page 2-3): This figure does not show how proposed locations for the TEAL pipeline/facilities relate to Texas Eastern's existing pipeline/facilities, nor other companies' pipelines/facilities, including the proposed NGT Project.

Recommendation: EPA recommends Figure 2.1.1-2 (TEAL Overview Map) clearly show the locations of the proposed TEAL project in relation to the proposed NGT Project (pipeline/s and facilities), Texas Eastern's existing pipeline/s and facilities, and other companies' existing pipelines/facilities. Include the additional information in the figure's color coded legend.

DEIS (page 2-14) states *"To reduce construction impacts, NEXUS and Texas Eastern would implement their respective Erosion and Sediment Control Plans (E&SCP). These plans are based on our Upland Erosion Control, Revegetation, and Maintenance Plan (FERC Plan or Plan) and Wetland and Waterbody Construction and Mitigation Procedures (FERC Procedures or Procedures)."*⁵

EPA appreciates the direct weblink provided in footnote 5 to the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*. However, NEXUS and Texas Eastern's E&SCPs are not included in appendices of the DEIS nor direct weblinks provided.

In addition, DEIS (page 2-15) *Table 2.3-2 – Construction, Restoration, and Mitigation Plans Associated with the NGT and TEAL Projects* identifies additional existing and pending Plans, many of which are not included in the DEIS Appendices nor direct weblinks provided.

Recommendation: EPA recommends the Final EIS Appendices also include the following NEXUS and Texas Eastern plans/documents regarding their respective projects:

- E&SCPs
- Draft Spill Prevention Control and Countermeasure Plans (SPCC Plans)
- Fugitive Dust Control Plan
- Winter Construction Plan
- Invasive Plant Species Management Plan (IPSMP)
- Unanticipated Discovery Plan
- Issue Resolution Plan
- Final Migratory Bird Conservation Plan
- Signed/dated Memorandum of Understanding (MOU) between the U.S. Fish and Wildlife Service (FWS) and NEXUS regarding forest mitigation
- Wetland and Stream Mitigation Plan

2.2 LAND REQUIREMENTS

Table 2.2-1 – Summary of Land Requirements Associated with the Projects (DEIS, page 2-9) discloses that construction and operation of the proposed Projects would impact 5,223.7 acres and 1,741.9 acres of land, respectively.

DEIS (pages 5-5 and 5-6) state *“Construction of the Projects would affect 371.5 acres of forested upland, 43.3 acres of forested wetland, 571.8 acres of open upland, 43.8 acres of emergent wetland, and 19.5 acres of scrub-shrub wetland. The remaining 4,202.7 acres are agricultural land, developed land, or open water. Operation of the Projects would affect 148.0 acres of forested upland, 26.7 acres of forested wetland, 154.5 acres of open upland, 21.0 acres of emergent wetland, and 10.0 acres of scrub-shrub wetland. The remaining 1,347.4 acres are agricultural land, developed land, or open water.”*

2.5 ENVIRONMENTAL INSPECTION, COMPLIANCE MONITORING, AND POST-APPROVAL VARIANCES

2.5.4 Compliance Monitoring

The DEIS (page 2-31) states *“NEXUS filed information with the Commission on June 12, 2015 indicating it would like to implement a third-party compliance monitoring program on the NGT Project. The overall objective of a third-party compliance monitoring program is threefold: to assess environmental compliance during construction in order to achieve a higher level of environmental compliance throughout a project; to assist FERC staff in screening and processing variance requests during construction; and to create and maintain a database of daily reports documenting compliance and instances of noncompliance.”*

Recommendation: EPA recommends the Final EIS include NEXUS’ written commitment to implementing a third-party compliance monitoring program.

However the DEIS (page 2-32) also states *“Texas Eastern is not proposing to implement a third-party compliance monitoring program; therefore, Texas Eastern would not gain the benefits of expedited processing of variance requests during construction.”*

Recommendation: EPA recommends Texas Eastern reconsider and commit to using FERC’s third-party compliance monitoring program for TEAL. EPA recommends the FEIS document whether or not Texas Eastern has made this commitment.

3.0 NGT AND TEAL PROJECT ALTERNATIVES

3.2 SYSTEM ALTERNATIVES

Figure 3.2.1-1 Existing Pipeline Systems – NGT and TEAL Projects (DEIS, page 3-6):

Figure 3.2.1-1 does not show the route of the existing pipeline in Michigan that would receive NGT gas and deliver it to the Dawn Hub in Ontario, Canada.

Recommendation: We recommend the Final EIS Figure 3.2.1-1 – Existing Pipeline Systems identify/depict the existing pipeline and the facility that would receive NGT gas in Michigan, and show the pipeline’s existing route in Michigan to the proposed receiving facility in Ontario, Canada. Modify the figure’s color coded legend accordingly.

3.5.1 NGT Compressor Station Alternatives

3.5.1.1 Hanoverton Compressor Station (CS1, Columbiana County) (DEIS, pages 3-83 to 3-85): EPA concurs with FERC staff recommendation that additional information is needed concerning the Proposed Site Alternative and the Alternative Site A, as follows: *“an analysis indicating:*

- *whether the proposed Hanoverton Compressor Station site at MP 1.4 could be developed without permanently filling or altering the waterbody on the site, and if not, the types of permanent waterbody impacts that would be required; and*
- *whether Alternative Site A to the Hanoverton Compressor Station, as depicted on figure 3.5.1-1 of the draft EIS, could be purchased and developed without forest clearing, and what impacts would be associated with realigning the proposed pipeline to the site or building suction/discharge lines from the site to the proposed pipeline.”*

Recommendation: EPA recommends the Final EIS include the above mentioned information/analysis.

4.0 ENVIRONMENTAL ANALYSIS

4.1.3 Geologic Hazards

4.1.3.4 Karst

NGT Project

DEIS (page 4-13) states *“NEXUS conducted an electromagnetic (EM) geophysical survey to identify areas of shallow bedrock between MP 124.0 and MP 202.0, including within the Bellevue-Castalia Karst Plain. These EM data are currently being analyzed to identify possible karst features along the alignment that might warrant further field investigation and engineering design.”*

Recommendation: EPA recommends Final EIS disclose the results of the EM geophysical survey. If applicable, amend Table 4.1.3-2 – Karst Features within 1,500 feet of the NGT Project.

4.2 Soils

There is no discussion here of the Projects’ potential to contact contaminated soils during construction.

Recommendations: Include a “Contaminated Soils” subsection in Section 4.2 – Soils. Provide a discussion here as well as *Section 4.3. Groundwater* and *Section 4.9.0 Contaminated Sites* of the Final EIS regarding the potential for impacting contaminated soils if Resource Conservation and Recovery Act (RCRA) corrective action, Leaking Underground Storage Tanks (LUSTs), and/or Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (Superfund) sites are within the Projects’ construction areas. Identify the databases that were used to make the determinations. Identify the procedures to notify the state/s and EPA if contaminated areas are found.

4.3 WATER RESOURCES

4.3.1 Groundwater Resources

Wellhead and Aquifer Protection Areas (DEIS, pages 4-33 to 4-35)

DEIS (page 4-33): *"The NGT Project mainline would cross 15 WHPAs at 25 locations in Ohio. Four (4) of the WHPAs crossed are for non-community wells, and the remaining 12 are for community wells. None of the proposed compressor stations would be within a designated WHPA. The NGT Project would cross one WHPA in Monroe and Washtenaw Counties in Michigan (MDEQ, 2016). The TEAL Project would not traverse any WHPAs."*

Recommendation: We recommend the Final EIS confirm all water suppliers in the WHPAs potentially impacted by the Project have been consulted and discuss the outcome of the consultations, including any water supplier requested mitigation measures.

4.3.2 Surface Water Resources

Surface Water Supplies and Surface Water Protection Areas

NGT Project (DEIS page 4-43) states *"Public surface water intakes located within 3 miles downstream of the NGT Project mainline are summarized in table 4.3.2-2. Four surface water intakes in Ohio and one in Michigan would be located within 3 miles downstream of the NGT Project crossings."*

Recommendation: EPA recommends the Final EIS confirm all Municipalities with water intakes within 3 miles downstream of the NGT Project have been consulted and discuss the outcome of the consultation, include any requested mitigation measures.

Federal Emergency Management Agency Flood Zones (page 4-47)

Recommendations: We recommend the Final EIS identify and discuss: 1) how many acres will be within each of the Flood Hazard Zones, 2) if there are any impacts to surrounding areas prone to flooding, and 3) if construction will occur during times of the year that have higher risks of flooding. Also, address if the project will create new and/or additional flooding in areas affected by an increase in impervious surface due to project access roads and aboveground facilities.

4.3.2.2 Impacts and Mitigation

Construction (DEIS pages 4-48 to 4-52)

Regarding NEXUS' plans to horizontal directional drill (HDD), the DEIS (page 4-52) states *"NEXUS was not able to adequately characterize risk at four of the proposed HDD sites, including the Nimisila Reservoir (MP 41.1), Tuscarawas River (MP 48.1), West Branch of the Black River (MP 92.4), and the U.S. Highway 12/RACER site (MP 254.3)."*

EPA concurs with FERC staff's recommendation presented here in the DEIS.

Recommendation: EPA recommends that the Final EIS discuss the results of NEXUS' geotechnical feasibility studies for the Nimisila Reservoir (MP 41.1), Tuscarawas River

(MP 48.1), West Branch of the Black River (MP 92.4), and the U.S. Highway 12/RACER site (MP 254.3).

DEIS (page 4-50) also states *"NEXUS characterized three HDD sites as high risk of experiencing difficulty during construction, including the Sandusky River (MP 145.9), Maumee River (MP 181.6), and Huron River (MP 250.9). Each of these rivers is designated as sensitive for fish, recreation, and/or historic values."*

Recommendation: Based on FERC staff's recommendation here in the DEIS, EPA recommends the Final EIS identify and discuss whether NEXUS has submitted to FERC adequate justification for preferring the use of the HDD crossing method for the Sandusky River (MP 145.9), Maumee River (MP 181.6), and Huron River (MP 250.9), as opposed to an alternative crossing method, such as winter wet trench construction or direct pipe installation.

Regarding Additional Temporary Work Space (ATWS), the DEIS (page 4-52) states *"The FERC Procedures require that ATWS be setback at least 50 feet from the edge of waterbodies . . . To date, Texas Eastern has not fully justified its request to locate ATWS within 50 feet from a total of seven workspaces."*

Recommendation: Based on FERC staff's recommendation here in the DEIS, EPA recommends the Final EIS identify whether Texas Eastern has submitted adequate justification to FERC for ATWS-13, 14, 18, 19, 35, 36, and 37 or has decided to move those workspaces to a distance of 50 feet or greater from wetlands and waterbodies.

4.3.2.3 Water Withdrawal

The DEIS (page 4-53) states *"Table 4.3.2-5 presents approximate MPs, estimated withdrawals, and water sources for the proposed hydrostatic test waters for pipeline segments, aboveground facilities, and HDD segments for the Projects. In total, the Projects would require approximately 67.5 million gallons of water for hydrostatic testing of the pipeline facilities, 0.8 million gallons for testing the aboveground facilities, and 1.8 million gallons for HDD crossings."*

Table 4.3.2-5 Potential Sources of HDD and Hydrostatic Test Water for NGT and TEAL Projects (DEIS pages 4-54 and 4-55).

Recommendations: We recommend Table 4.3.2-5 include additional categories to identify: 1) the proposed intake areas, 2) daily water flow amounts for each water intake, 3) where water will be recycled from one segment to another, and 4) the amount of water that will be recycled in each segment. Also identify the potential municipal source, where applicable.

4.4 WETLANDS

DEIS (page 4-56) states *"Wetlands impacted by the NGT and TEAL Projects are federally and state-regulated. On the federal level, USACE regulates wetlands under Section 404 of the CWA and Section 10 of the Rivers and Harbor Act (RHA), and the EPA shares responsibility to*

administer and enforce the Section 404 program. Wetland activities under Section 401 of the CWA are delegated to the appropriate state agencies: the OEPA in Ohio and MDEQ in Michigan.”

Recommendation: The above statement regarding CWA Section 404 permitting authorities in OH and MI is incomplete/inaccurate. See EPA’s earlier recommendation under 1.2.2 (page 5) and amend the Final EIS accordingly.

4.4.1 Existing Wetland Resources (pages 4-56 and 4-57)

The DEIS (pages 4-56 and 4-57) states *“The applicants conducted wetland surveys during the 2014 and 2015 growing seasons, as landowner permissions allowed . . . Wetlands were delineated per the methods set forth in the USACE 1987 Wetland Delineation Manual (Environmental Laboratory, 1987), applicable Regional Supplements: Regional Supplement to the Corps of Engineers Wetland Delineation Manual: North Central and Northeast Region (Version 2.0)(USACE, 2012), . . . “*

The DEIS [page 4-59, *Ohio Rapid Assessment Methodology (ORAM)*] states *“Wetlands in Ohio are categorized by using the ORAM as a quantitative tool to determine the quality of wetlands, and also outline the functionality of those wetlands. The quality and functionality of wetlands enact differing levels of protection and are utilized as part of the review process for compensatory mitigation where impacts to wetlands are unavoidable. There are three wetland categories (i.e., Category 1, Category 2, and Category 3) where quality directly correlates to minimal, good, and superior quality wetlands, respectively (Mack, 2001).”*

Recommendations: EPA recommends the Final EIS provide an update on the status of wetland field delineations for the Projects. Disclose the percentage of the Projects’ area where wetlands have not yet been field delineated. Add two additional columns to the wetlands tables in Appendix I to identify each wetlands’:

- 1) field delineation status, and
- 2) ORAM category (Category 1, 2, or 3).

Provide a brief summary of the above information in this section of the Final EIS.

4.4.3.1 Project-specific Impacts and Mitigation

The DEIS (page 4-62) states *“As presented in table 4.4.3-1, a total of 191.6 acres of wetlands would be impacted by construction of the NGT and TEAL Projects, including 171.4 acres in Ohio and 20.1 acres in Michigan. . . . Construction of the NGT Project would . . . impact . . . 72.4 acres of PFO wetlands.”* The majority of wetland impacts are associated with the NGT Project.

NGT Project

The DEIs (page 4-64) states *“NEXUS would create a project-specific Wetland Mitigation Plan in consultation with USACE, MDEQ, and OEPA. Mitigation would include the purchase of wetland mitigation credits from established wetland mitigation banks, the use of an in-lieu fee*

program, or a combination of the two. However, . . . this mitigation plan has not been finalized, . . .

Recommendation: EPA recommends the Final EIS include NEXUS' draft wetland and stream mitigation plan (the final plan if available) for the NGT Project.

TEAL Project

The DEIS (page 4-65) states *"Texas Eastern would create a project-specific Wetland Mitigation Plan in consultation with USACE and OEPA. Mitigation would include the purchase of wetland mitigation credits from established wetland mitigation banks, the use of an in-lieu fee program, or a combination of the two. However, . . . this mitigation plan has not been finalized, . . ."*

Recommendation: EPA recommends the Final EIS include Texas Eastern's draft wetland and stream mitigation plan (the final plan if available) for the TEAL Project.

4.5 VEGETATION

4.5.2 Impacts and Mitigation

4.5.4 Noxious Weeds and Pathogens

DEIS (page 4-75 and 4-76) disclose that both NEXUS and Texas Eastern have developed Invasive Species Management Plans (ISMPs) to minimize and control the spread of the noxious and invasive species."

Recommendation: The ISMPs are not included in the DEIS. We recommend the Final EIS include NEXUS' and Texas Eastern's ISMPs in an Appendix.

4.5.6 Pollinator Habitat

DEIS (page 4-8). FERC staff make the following recommendation: *"Prior to construction of the NGT Project, NEXUS should provide a plan describing the feasibility of incorporating plant seeds that support pollinators into the seed mixes used for restoration of construction workspaces. This plan should also describe NEXUS' consultations with the relevant federal and/or state regulatory agencies."*

Recommendation: EPA recommends the Final EIS document NEXUS consultation with the relevant federal and state regulatory agencies and include NEXUS' plan (draft if final is not available) to incorporate plant seeds that support pollinators into the seed mixes used for restoration of construction workspace.

4.6 WILDLIFE

Upland Forest, Wetlands, Habitat, Migratory Birds

DEIS (pages 4-88) discloses that construction of the NGT Project would result in the loss of approximately 332.2 acres of upland forest and 43.1 acres of forested wetlands. Construction of the TEAL Project would result in the loss of approximately 29.7 acres of upland forest and 0.1 acre of forested wetlands. The NGT and TEAL Projects construction schedules would overlap with the migratory bird nesting season.

DEIS (pages 4-88) states *“To address FWS concerns about migratory birds, the applicants have prepared a draft Migratory Bird Conservation Plan (MBCP) . . .”*

The DEIS (page 4-89) identifies that the applicants have committed to *“Actively working on a Memorandum of Understanding (MOU) whereby NEXUS agrees to mitigate for loss of forested habitat, including avoidance and minimization of impacts, and providing mitigation funding for loss of forested migratory bird habitat. . . . the final MBCPs for Michigan and Ohio are not yet complete . . .”*

Recommendation: EPA recommends NEXUS continues to work with FWS and the Final EIS include the following documents:

- Final MBCP developed in consultation with and approved by the FWS, and
- Signed/dated MOU between the applicants and FWS documenting agreement to mitigate for loss of forested habitat, including avoidance and minimization of impacts, and providing mitigation funding for loss of forested migratory bird habitat.

4.8 SPECIAL STATUS SPECIES

4.8.1 Federally Listed Species and Endangered Species

Eleven federally listed threatened, endangered or proposed for listing species are potentially present in the vicinity of the Rover Project (DEIS page 4-94). FERC will prepare a final Biological Assessment (BA) to submit to FWS (DEIS page 4-95) and FWS will issue a Biological Opinion (BO).

Recommendation: We recommends the Final EIS provide an update since the DEIS on the status of FERC’s BA and FWS’ BO. If feasible, include the BA and BO in the Final EIS.

4.8.2 State-listed Species

Nineteen of the Ninety-one species that are state-listed as threatened, endangered, or of special concern potentially present in the Projects area may be impacted by the Projects (DEIS page 4-104).

Recommendation: EPA recommends the Final EIS provide an update since the DEIS regarding any state agencies’ species-specific required/requested mitigation and discuss how NEXUS and Texas Eastern will implement the mitigation measures.

4.9 LAND USE, RECREATION, SPECIAL INTEREST, AND VISUAL RESOURCES

4.9.9 Contaminated Sites (pages 4-164 and 4-165)

The DEIS (page 4-164) states *“One of the sites, the former Willow Run Powertrain Plant, would be crossed between MPs 253.3 and 254.1 using the HDD method. . . . In March 2011, Revitalizing Auto Communities Environmental Response (RACER) Trust acquired the property as part of a national program to rehabilitate former General Motors plants and has since been*

responsible for maintaining and rehabilitating the property. The site is being administered under the EPA's Resource Conservation Recovery Act and overseen by the MDEQ.

There have been numerous environmental assessments of the Willow Run site during the past 30 years and a number of concerns have been identified (University of Michigan, 2013):

- Oil accumulation underneath portions of the main plant building;
- Presence of light non-aqueous phase liquid containing low levels of polychlorinated biphenyls (PCB) and some metals in soil around the site;
- Chlorinated volatile organic compounds (VOC) were found on-site, particularly in areas where parts cleaning units once operated; however, recent surveys suggest that the levels of these compounds are low and are not detected in perimeter monitoring wells; and
- Historic soil and groundwater suggest the presence of benzene, aluminum, mercury, and others pollutants.

Based on NEXUS' preliminary evaluation of readily available analytical data, and conversations with RACER representatives, NEXUS would now avoid the site by installing the pipeline using the HDD method. Extra workspace areas associated with HDD entry and exit points would be located outside the known parameters of the RACER site."

Recommendation: EPA recommends the Final EIS disclose whether or not MDEQ concurs with using HDD to avoid contamination of soil, surface water and groundwater resources from contaminants at the Willow Run site. Include an MDEQ approved HDD plan, if applicable, in the Final EIS.

The DEIS (page 4-164) goes on to state: "In addition to the RACER site, NEXUS identified 11 other sites where file reviews were recommended to assess the potential for existing contamination on soil and groundwater resources that could impact the NGT Project. Because information regarding the extent and degree of contamination is pending . . ." EPA concurs with FERC staff's DEIS recommendations.

Recommendation: EPA recommends the Final EIS present the results of the file reviews for the 11 other sites and include site specific plans, as applicable, to properly manage any contaminated soil or groundwater in compliance with applicable regulations.

4.11 CULTURAL RESOURCES

Recommendation: We recommend the Final EIS include an update on FERC's compliance with Section 106 of the National Historic Preservation Act (NHPA) for the NGT and TEAL Projects. Include relevant correspondence from State Historic Preservation Officers (SHPOs) and the Advisory Council on Historic Preservation (ACHP).

4.12 AIR QUALITY AND NOISE

4.12.1 Air Quality

4.12.1.3 Air Quality Impacts and Mitigation (pages 4-211 to 4-220)

Greenhouse Gas Emissions, Methane Leakage, Climate Change

Recommendation: (See EPA's recommendations regarding greenhouse gas emissions, methane leakage and climate change later under 4.14 Cumulative Impacts, 4.14.8.9 Air Quality and Noise.)

4.12.2 Noise

4.12.2.1 Construction Noise Impacts and Mitigation (pages 4-222 – 4-227)

HDD Operations

The DEIS (page 4-226) states *"As indicated (in bold) in table 4.12.2-2, 17 of the HDD entry or exit sites could exceed the FERC's 55 dBA Ldn noise guideline at the nearest NSA. NEXUS estimates that the work associated with HDD installations would range from 14 to 89 days."*

These increased noise levels may, in part, affect sleep patterns and consequently, adult job performance and children's ability to learn in school.

Recommendations: EPA recommends the Final EIS discuss potential noise mitigation measures for NSA households during HDD operations, including the conditions that might warrant those mitigation measures. Noise mitigation discussion should include the feasibility of temporary relocation.

4.12.2.2 Operational Noise Impacts and Mitigation (pages 4-227 – 4-231)

Compressor Stations

Table 4.12.2-5 Estimated Noise Levels for NGT Project Compressor Stations (page 4-229)

The Table appears to show that 4 of the NSAs already experience calculated ambient L_{dn} noise levels above 55 dBA and 6 NSAs would be above 55 dBA if the Wadsworth, Clyde and Waterville Compressor Stations went into operation.

Recommendation: EPA recommends the Final EIS provide an update on the noise mitigation measures that NEXUS and TEAL propose to undertake for operation of the Projects.

4.13 RELIABILITY AND SAFETY

DEIS (page 4-236) states *"We [FERC] received numerous comments regarding the safety of homes, schools, hospitals, etc., that would be within the potential impact radius for the NGT Project pipeline, which would be 1,100 feet. For the NGT Project compressor stations, the potential impact radius would be 943 feet. The potential impact radius is designed to identify locations where additional safety measures are required to ensure and promote pipeline safety in populated areas. NEXUS would develop a Public Awareness Program as outlined in 49*

CFR 192.616, which would provide outreach measures to the affected public, emergency responders, and public officials."

Recommendation: EPA recommends the Final EIS include a copy of NEXUS' Public Awareness Program for the NGT Project.

DEIS (page 4-229) states *"In accordance with 49 CFR 192.615, NEXUS would develop, maintain, and implement a written emergency response plan to minimize the hazards from a pipeline emergency."*

Recommendation: EPA recommends a Final EIS appendix include both NEXUS' and Texas Eastern's Emergency Response Plans for the NGT and TEAL Projects.

4.14 CUMULATIVE IMPACTS

4.14.5 Non-jurisdictional Project-related Facilities

4.14.5.1 DTE Gas Company Modifications (pages 4-254 – 4-255)

4.14.5.2 Vector U.S. Modifications (page 4-255)

DEIS (page 4-254) states *"To support the NGT and TEAL Projects, DTE Gas would make modifications to three existing facilities: Willow Gate, Willow Run, and Milford Compressor Stations. In addition, Vector U.S. would make modifications to the existing Milford Meter Station in Oakland County, Michigan to support the NGT and TEAL Projects. While FERC has no jurisdiction over these planned modifications, we disclose the potential cumulative impacts below."*

Recommendation: EPA recommends the FEIS disclose existing and estimated noise levels at the nearest NSAs associated with the Willow Gate, Willow Run and Milford Compressor Stations, and the Milford Meter Station. Identify the noise mitigation measures DTE and Vector could implement, if projected noise levels at NSA's warrant noise mitigation.

4.14.8.9 Air Quality and Noise

Greenhouse Gas Emissions

The Draft EIS included a helpful discussion of the greenhouse gas (GHG) emissions associated with construction of the project, and annual emissions from the operation of the compressor stations, but did not include estimates of the GHG emissions associated with the production, leakage, and combustion of the natural gas brought into production as an indirect effect of this project. Because of the global nature of climate change, regardless of where the ultimate end use of the natural gas occurs, these additional greenhouse gas emissions attributable to the project would affect the U.S. Because of the causal relationship between this project and the emissions, it is appropriate and consistent with NEPA and CEQ regulations to consider and disclose the emissions levels in NEPA analyses. EPA recommends that for the climate change section of this EIS, that FERC follow the approach outlined by the CEQ's August 1, 2016 Final Guidance on the Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA reviews. For example, on the topic of direct and indirect GHG emissions, the CEQ guidance

states: “If the direct and indirect GHG emissions can be quantified based on available information, including reasonable projections and assumptions, agencies should consider and disclose the reasonably foreseeable direct and indirect emissions when analyzing the direct and indirect effects of the proposed action.”

In the DEIS, FERC includes comparisons of project-level greenhouse gas emissions to nationwide emissions levels. FERC should not evaluate GHG emissions by comparing them to U.S. emissions. According to CEQ, such comparisons are “not an appropriate method for characterizing the potential impacts associated with a proposed action and its alternatives and mitigations because this approach does not reveal anything beyond the nature of the climate change itself: the fact that diverse individual sources of emissions each make a relatively small addition to global atmospheric GHG concentrations that collectively have a large impact.”¹

Recommendations: We recommend that the Final EIS include estimates of emissions from production and combustion of the natural gas brought into production. We also recommend that FERC remove comparisons of the proposed project’s estimated emissions to aggregate emissions.

Methane Leakage

The DEIS does not describe efforts to reduce methane leakage from the proposed action. EPA has compiled useful information on technologies and practices that can help reduce methane emissions from natural gas systems, including specific information regarding emission reduction options for natural gas transmission operations. This information can be found at: (http://www.epa.gov/gasstar/methaneemissions/onshore_transmission_storage.htm)

Recommendation: We recommend that the Final EIS describe potential best management practices (BMPs) to reduce leakage of methane associated with operation of the pipeline and compressor stations.

Climate Change (pages 4-268 to 4-271)

DEIS (pages 4-269 and 4-270) discloses that the U.S. Global Change Research Report (USGCRP, May 2014) states “*annual precipitation has increased by about 20 percent over the past century, particularly from increased high-intensity rainfall events, and this trend is projected to continue*” for the Midwest region of the U.S.

Recommendation: EPA recommends the Final EIS discuss the Projects Proponents’ and FERC’s consideration of the Projects’ susceptibility to impacts associated with climate change and identify mitigation measures. For example, discuss the risk of the Projects’ pipelines being exposed due to increases in flooding, scouring, and/or upland erosion due to expected heavy precipitation events associated with climate change.

¹ CEQ Final Guidance on the Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews, pg.11.

4.14.9 Conclusion

DEIS (page 4-272) states *"For the NGT and TEAL Projects, the majority of cumulative impacts would be temporary and minor when considered in combination with past, present, and reasonably foreseeable activities; however, some long-term cumulative impacts would occur on wetland and upland forested vegetation and associated wildlife habitats. . . ."*

Recommendation: To help insure that NEXUS and Texas Eastern demonstrate that impacts to wetlands and upland forest and associated wildlife habitats, including migratory bird habitats have been avoided and minimized to the maximum extent practicable, and adequate compensation mitigation is identified and implemented, EPA recommends the Final EIS include the following plans/documents for the NGT and TEAL Projects:

- Signed/dated Memorandum of Understanding (MOU) between the U.S. Fish and Wildlife Service (FWS) and NEXUS regarding forest mitigation,
- Final Migratory Bird Conservation Plan,
- Invasive Plant Species Management Plan (IPSMP), and
- Wetland and Stream Mitigation Plan

5.0 CONCLUSIONS AND RECOMMENDATIONS

The DEIS (page 5-1) states *"The conclusions and recommendations presented in this section are those of the FERC environmental staff. Our conclusions and recommendations were developed with input from the EPA and FWS as cooperating agencies."*

Recommendation: This section in the Final EIS will need to be updated after consideration of additional input provided by the cooperating/resources agencies and others since FERC's release of the DEIS for public and agency review and comment.

APPENDICES

Appendix A - Draft EIS Distribution List – Federal Government Agencies (DEIS page A-1)

Recommendations: We recommend the following corrections/changes for the EPA listings in Appendix A for the FEIS Distribution List – Federal Government Agencies), as follows:

- replace "Cliff Rader" with "Karin Leff" for Director, NEPA Compliance Division:
- replace "Susan E. Bromm" with "Rob Tomiak" for Director, Office of Federal Activities, and

- add “NEPA Implementation Section” after “Kenneth Westlake, Chief.”

Appendix B – NGT and TEAL Route Maps

Recommendation: EPA recommends that the Final EIS Appendix B route maps also distinctly identify the locations of the following:

- delineated wetlands w/identifying numbers, and NWI wetlands,
- co-locations,
- ATWS,
- contractor yards and staging areas, and
- proposed new, improved, and private access roads.

The above recommended information can be found in tables in the sub-appendices of Appendices C, H and I.

Appendix C – Project Description Tables (Sub-appendices C-1 through C-5), Appendix H – Water Resources Tables (Sub-appendices H-1 through H-6), and Appendix I – Wetlands Tables (Sub-appendices I-1 and I-2):

Recommendation: EPA recommends all Final EIS tables in Appendices C, H, and I include an additional column that identifies the specific Appendix B route map and map page number where each listing can be found/located.